

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Rick Braumoeller et al.
Application No. : 09/965,125
Filed : September 27, 2001
For : GENERATING CURRENT ORDER FULFILLMENT PLANS
BASED ON EXPECTED FUTURE ORDERS

Examiner : Romain Jeanty
Art Unit : 3623
Docket No. : 120137.455
Date : October 3, 2007

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents:

In order to avoid processing delays, the following comments are being submitted along with payment of the issue fee. Applicants respectfully request that these comments be made of record.

On pages 3-5 of the Notice of Allowability mailed August 2, 2007, the Examiner provided a statement of reasons for allowance of claims 1, 16, 54, 59 and 62. While Applicants agree that the pending claims are allowable over the prior art of record, Applicants believe that the allowed claims are further allowable over the prior art for additional reasons, including that none of the relied-upon prior art appears to include any teaching, suggestion or motivation for selecting appropriate fulfillment plans for current and/or potential orders based on the effects that the selected fulfillment plans will have on future orders that have not yet been received, such as to select a fulfillment plan for a current order so as to minimize the costs associated with fulfilling future orders. In addition, while each of the dependent claims are allowable for the same reasons as the claims from which they depend, Applicants believe that various of the

dependent claims are also each allowable over the relied-upon prior art for additional reasons specific to those dependent claims.

Applicants would also like to thank Examiner Jeanty for his consideration during the telephone interview with Applicants' representative on July 3, 2007 on this application, during which authorization was provided for an Examiner's amendment to claim 54 in order to expedite prosecution. Applicants continue to believe that the pre-amendment version of claim 54 is patentable over the prior art of record.

In addition, in the Examiner's Amendment to claim 54 on August 2, 2007, the Examiner has indicated to delete the term "associating" in line 6 and insert an indicated phrase. Applicants note that the term "associating" occurs twice in adjacent lines in the second claim element of claim 54, and that differing pagination could cause either the first or second occurrence of the term "associating" to be on line 6 in the Examiner's rendering of the claims. It is Applicants' understanding that the indicated amendment applies to the second occurrence of the term "associating" (which is part of the pre-amended phrase "the associating by performing at least one . . ."), as authorized during the telephone interview of July 3, 2007, and further since amending the first occurrence of the term "associating" in the indicated manner would produce an ungrammatical and nonsensical claim element.

If there are any remaining issues to be resolved, Applicants request that the Examiner contact the undersigned at (206) 684-4915 to resolve the same.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

/James A. D. White/

James A. D. White

Registration No. 43,985

JDW:dd

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

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